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PATENT APPLICATION

ATTORNEY DOCKET NO. 10007584-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Robert E. Haines et al.

Confirmation No.: 1659

Application No.: 09/976,825

Examiner: Thomas J. Lett

Filing Date: October 11, 2001

Group Art Unit: 2625

Title: Peripheral Device Management Methods, Peripheral Device Consumable Management Methods, and
Peripheral Device Consumable Management ApparatusesMail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on 2/18/2008.

☒ The fee for filing this Appeal Brief is \$510.00 (37 CFR 41.20).☐ No Additional Fee Required.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:☐ 1st Month
\$120☐ 2nd Month
\$460☐ 3rd Month
\$1050☐ 4th Month
\$1640☐ The extension fee has already been filed in this application.☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$ 510 . At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

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Typed Name:

Signature: *James D. Shaurette*

Respectfully submitted,

Robert E. Haines et al.

By *James D. Shaurette*

James D. Shaurette

Attorney/Agent for Applicant(s)

Reg No.: 39,833

Date: 4/18/08

Telephone: 509/824-4276

Rev 10/07 (Apt Brief)

DUPLICATE

APR 18 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No.09/976,625
Filing Date..... October 11, 2001
Inventor.....Robert E. Haines et al.
Assignee..... Hewlett-Packard Development Company, L.P.
Group Art Unit 2625
Examiner.....Thomas J. Lett
Attorney's Docket No. PDNO. 10007584-1
Confirmation No..... 1659
Title: Peripheral Device Management Methods, Peripheral Device Consumable
Management Methods, and Peripheral Device Consumable Management
Apparatuses

BRIEF OF APPELLANT

To: Mail Stop Appeal Brief-Patents
Commissioner of Patents
P.O. Box 1450
Alexandria VA 22313-1450

From: James D. Shaurette (Tel. 509-624-4276; Fax 509-838-3424)
Wells, St. John, P.S.
601 W. First Avenue, Suite 1300
Spokane, WA 99201-3817

Appellant appeals from the Office Action mailed November 16, 2007
(hereinafter "Office Action" or "Action"). The Commissioner is authorized to charge
the fee required under 37 C.F.R. § 41.20(b)(2) to Deposit Account No. 08-2025.

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I. REAL PARTY IN INTEREST

The real party in interest of this application is Hewlett-Packard Development Company, L.P. as evidenced by the full assignment of the pending application to Hewlett-Packard Company recorded starting at Reel 012594, Frame 0589, and the full assignment to Hewlett-Packard Development Company, L.P. recorded starting at Reel 014061, Frame 0492, in the Assignment Branch of the Patent and Trademark Office. The Hewlett-Packard Development Company, L.P., is a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

II. RELATED APPEALS AND INTERFERENCES

Appellant, Appellant's undersigned legal representative, and the assignee of the pending application are aware of no appeals or interferences which will directly affect, be directly affected by, or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF THE CLAIMS

Claims 43-66 are pending, stand rejected, and are appealed. Claims 1-42 are canceled.

IV. STATUS OF AMENDMENTS

No amendments have been filed after the Office Action mailed November 16, 2007.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Concise explanations of the subject matter defined in each of the independent claims and argued dependent claims involved in the appeal follow with respect to exemplary illustrative embodiments of the specification and figures.

Referring to independent claim 43, receiving identification information is discussed at page 8, line 28 of the specification according to one embodiment.

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Receiving threshold information is discussed at page 10, line 1 according to one embodiment. Formulating configuration data is discussed at page 10, line 10 according to one embodiment. Communicating the configuration data is discussed at page 10, line 11 according to one embodiment. Receiving statuses is described at page 14, line 22 according to one embodiment. Processing statuses is described at page 15, line 4 according to one embodiment. Initiating an action is described at page 15, line 6 according to one embodiment.

Referring to claim 45, discovery of devices inside of a firewall is discussed at page 8, line 20 and page 9, line 18 according to one embodiment.

Referring to claim 47, combination of statuses is described at page 14, line 30 and comparison is described at page 15, line 3 according to one embodiment.

Referring to claim 48, combination of statuses according to groups is described at page 15, line 3 according to one embodiment.

Referring to independent claim 53, receiving identification information is discussed at page 8, line 28 of the specification according to one embodiment. Groups are described at page 8, line 28 according to one embodiment. Receiving statuses is described at page 14, line 22 according to one embodiment. Combination of statuses is described at page 14, line 30 and comparison is described at page 15, line 3 according to one embodiment. Initiating an action is described at page 15, line 6 according to one embodiment.

Referring to claim 54, a communication interface is described at page 4, line 13 according to one embodiment. Discovery of devices is discussed at page 8, line 20 and page 9, line 18 according to one embodiment. Receiving identification information is discussed at page 8, line 28 of the specification according to one embodiment. Receiving statuses is described at page 14, line 22 according to one embodiment. A vendor website which would include processing circuitry is described at page 8, line 7 according to one embodiment. A process executed by the vendor website is described at page 14, line 1 including accessing identification information and status information at page 14, line 22. Initiating an action is described at page 15, line 6 according to one embodiment.

Referring to claim 57, discovery of devices inside of a firewall are discussed at page 8, line 20 and page 9, line 18 according to one embodiment.

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Referring to claim 61, combination of statuses is described at page 14, line 30 and comparison is described at page 15, line 3 according to one embodiment.

Referring to claim 62, combination of statuses according to groups is described at page 15, line 3 according to one embodiment.

Referring to claim 63, setting of thresholds is discussed at page 9, line 18 according to one embodiment.

Referring to claim 64, review of data is discussed at page 13, line 12 according to one embodiment.

Referring to claim 65, discovery of devices inside of a firewall is discussed at page 8, line 20 and page 9, line 18 according to one embodiment. Receiving identification information is discussed at page 8, line 28 of the specification according to one embodiment. Receiving statuses is described at page 14, line 22 according to one embodiment.

Referring to claim 66, discovery of devices inside of a firewall is discussed at page 8, line 20 and page 9, line 18 according to one embodiment.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

- A. The 102 rejection of claims 43-52 and 63-64 over Sampath.
- B. The 102 rejection of claim 53 over Sampath.
- C. The 102 rejection of claims 54-62 and 65-66 over Sampath.
- D. The 102 rejection of claims 45 and 57 over Sampath.
- E. The 102 rejection of claims 47-48 and 61-62 over Sampath.
- F. The 102 rejection of claims 48 and 62 over Sampath.
- G. The 102 rejection of claim 63 over Sampath.
- H. The 102 rejection of claim 64 over Sampath.
- I. The 102 rejection of claim 65 over Sampath.
- J. The 102 rejection of claim 66 over Sampath.

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VII. ARGUMENT

A. Positively-recited limitations of claims 43-52 and 63-64 are not disclosed by Sampath and the 102 rejection is improper for at least this reason.

Referring to independent claim 43, the *method performed by a management device comprises receiving identification information for a plurality of peripheral devices of a common network*. The Office relies upon inherency in support of the rejection. Appellants respectfully submit that the reliance upon inherency is improper and the rejection is improper for at least this reason.

In particular, *the Office must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied prior art*. *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). *MPEP 2112 IV* (8th ed., rev. 5). To establish inherency, the extrinsic evidence "must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill." *Continental Can Co. v. Monsanto Co.* 948 F.2d 1264, 1268, 20 USPQ2d 1746, 1749 (Fed. Cir. 1991). Inherency may not be established by probabilities or possibilities and the mere fact that a certain thing may result from a given set of circumstances is not sufficient. *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (internal citations omitted).

The Office relies upon the diagnostic server 100 of Sampath as teaching the claimed management apparatus which performs the claimed management method recited in claim 43. As mentioned above, the Office relies upon inherency as teaching the above-recited receiving limitations. However, there is no evidence that *identification information of a plurality of peripheral devices is received by the diagnostic server* in Sampath. Furthermore, Applicants respectfully submit that such limitations *do not necessarily flow* from the teachings of Sampath. Alternatives apart from the claim limitations exist, for example, where *identification information of the devices could initially exist within the management apparatus and there would be no need for the identification information to be received by the management apparatus*. Applicants respectfully submit that the limitations of *receiving the identification information* do not necessarily flow from and are not

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necessarily present in the teachings of Sampath. Furthermore, even if a device must know the identity of the devices it is to monitor as alleged by the Office, it is not necessary for the device to receive the identification information and such information can be obtained by other methods apart from the reception by the device. These alternatives to reception of the identification information illustrates the improper reliance upon inherency.

Referring to page 2 of the Office Action, the Office alleges that the diagnostic server must know the identity of the device which needs service. However, this allegation, even if true, fails to illustrate that the reliance upon inherency is proper. In particular, the identity of the device needing service could be determined in ways apart from receiving identification information using a management apparatus as claimed. Furthermore, even if the above allegation is true that the diagnostic server must know the identity of the device which needs service, such pertains to the *identification of a single device* and fails to illustrate that the limitations of *receiving identification information for a plurality of peripheral devices of a common network are inherent*.

Appellants respectfully submit that the Office has failed to provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent limitations necessarily flow from the teachings of the applied prior art as required by the above-recited authority.

Appellants respectfully submit that the above-recited limitations are not disclosed nor rendered inherent by the prior art and the 102 rejection is improper for at least this reason.

Claim 43 further recites *formulating configuration data configured to cause configuration of respective ones of the peripheral devices according to respective ones of the thresholds*.

Appellants respectfully submit that the above-recited limitations are not disclosed nor suggested by the prior art.

The Office relies upon the teachings in col. 6, lines 3-26 of Sampath as teaching the claimed formulating. The teachings of col. 6 refer to *status information which is received by the diagnostic server 100 (which is relied upon as teaching the claimed management apparatus) from the monitored electrical system* per col. 5, lines 60+ of Sampath *as opposed to information being formulated by*

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the diagnostic server 100. The reception of status information by the diagnostic server 100 of Sampath fails to teach or suggest the claimed method performed by the management device comprising formulating configuration data configured to cause configuration of respective ones of the peripheral devices as explicitly claimed.

The teachings of col. 6, lines 17+ of Sampath refer to processing of the status information which was previously received by the diagnostic server to determine whether the information is "prediction" or "diagnostic" and fail to teach or suggest the claimed limitations of the management device performing the method comprising formulating configuration data. Furthermore, the teachings of col. 6, lines 3+ of Sampath disclose that prediction information is any *status information* which is pertinent to determining whether an action should be taken to avoid a particular outcome. Appellants have failed to uncover any teachings that the status information or prediction information teaches formulating configuration data configured to cause configuration of respective ones of the peripheral devices according to respective ones of the thresholds as explicitly claimed.

Appellants respectfully submit that the above-recited limitations are not disclosed nor suggested by the prior art.

Appellants respectfully submit that numerous limitations of the claims are not disclosed by the prior art and Appellants respectfully request reversal of the 102 rejection for the above-recited numerous reasons.

B. Positively-recited limitations of claim 53 are not disclosed by Sampath and the 102 rejection is improper for at least this reason.

Referring to independent claim 53, the method comprises *first receiving identification information regarding a plurality of peripheral devices individually configured to consume a consumable*.

The Office relies upon inherency as allegedly teaching the above-recited limitations. However, the Office has failed to meet its burden of providing a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied prior art. In addition, alternatives apart from the claimed limitations exist, for example, where *identification information of the devices could initially exist within*

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the management apparatus and there would be no need for the identification information to be received by the management apparatus. Applicants respectfully submit that the limitations of *receiving the identification information* do not necessarily flow from and are not necessarily present in the teachings of Sampath. Even if the diagnostic server 100 must know the identity of the devices it is to monitor as alleged by the Office, it is not necessary for the device to receive the identification information and such information can be obtained by other methods apart from the claimed limitations illustrating the improper reliance upon inherency.

In addition, claim 53 recites *receiving identification information regarding a plurality of peripheral devices*. The allegation by the Office that the diagnostic server must know the identity of the device which needs service refers to a single device and fails to illustrate that the limitations of *receiving identification information regarding a plurality of peripheral devices* are inherent.

Appellants respectfully submit that the Office has failed to provide a *basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied prior art* as required by the above-recited authority.

Appellants respectfully submit that the above recited limitations are not disclosed nor rendered inherent by the prior art and the 102 rejection is improper for at least this reason.

Claim 53 also recites *defining a plurality of different groups individually comprising different ones of the peripheral devices*. At page 8 of the Action, the Office relies upon the teachings of col. 3, lines 6-11 of Sampath as teaching these limitations. Appellants initially note that these teachings are from the "Summary of the Invention" section of Sampath as opposed to the "Detailed Description" section of Sampath whose teachings are relied upon as teaching other limitations of the claims. Furthermore, the *teachings are void of any reference to "group" or defining a plurality of different groups* as claimed. Appellants have electronically searched Sampath and failed to uncover any teachings of "group" let alone the positively-claimed limitations of *defining different groups individually comprising different ones of the peripheral devices*.

Appellants respectfully submit that the above recited limitations are not disclosed by the prior art and the 102 rejection is improper for at least this reason.

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Claim 53 further recites *for an individual one of the groups, combining the statuses of the respective peripheral devices of the group providing combined status data*. At pages 8-9 of the Office Action, the Office relies upon inherency and states that it is inherent to *combine an identifier with a problem status*. Appellants respectfully submit that statement by the Office has not been demonstrated to be inherent, but even if the statement was considered to be inherent from the teachings of Sampath, such fails to teach the claimed combining. In particular, claim 53 recites *combining the plural statuses of the respective peripheral devices of the group*. Appellants respectfully submit that the alleged inherency of combining an *identifier* with a *status* fails to teach the claimed limitations of *combining the plural statuses of the plural devices of the group providing combined status data* as claimed.

Appellants respectfully submit that the above recited limitations are not disclosed nor rendered inherent by the prior art and the 102 rejection is improper for at least this reason.

Claim 53 further recites *comparing the combined status data with respect to a threshold*. The Office fails to identify any prior art teachings which allegedly disclose the claimed comparing and Appellants have failed to uncover any teachings of the comparing of the combined status data in Sampath.

Appellants respectfully submit that the above recited limitations are not disclosed by the prior art and the 102 rejection is improper for at least this reason.

Claim 53 recites *initiating an action with respect to replenishment of the consumable responsive to the comparing indicating the combined status data triggering a threshold*. The Office relies upon the teachings in col. 7, lines 39-45 of Sampath as teaching the claimed initiating. These teachings disclose scheduling a service or shipping a part and fail to provide any teaching of *combined status data* let alone *initiating the action responsive to the comparing indicating the combined status data triggering a threshold* as positively-claimed.

Appellants respectfully submit that the above recited limitations are not disclosed by the prior art.

Appellants respectfully submit that numerous limitations of the claim are not disclosed by the prior art and Appellants respectfully request reversal of the 102 rejection for the above-recited numerous reasons.

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C. Positively-recited limitations of claims 54-62 and 65-66 are not disclosed by Sampath and the 102 rejection is improper for at least this reason.

Independent claim 54 recites a peripheral device consumable management apparatus. Claim 54 further recites that the management apparatus comprises a communications interface configured to *output a communication configured to initiate discovery of a plurality of peripheral devices of a common network, to receive identification information of the discovered peripheral devices responsive to the outputting of the communication*, and to receive status information regarding a status of a consumable for at least one of the peripheral devices.

Appellants respectfully submit that the above-recited limitations are not disclosed nor rendered inherent by the prior art and the 102 rejection is improper for at least this reason.

At page 9 of the Office Action, the Office relies upon the generic teachings of the I/O interface 130 of Sampath as teaching the above-recited limitations. Applicants have failed to uncover any teachings that the I/O interface 130 (or any other teachings of Sampath) *outputs a communication configured to initiate discovery of a plurality of peripheral devices* in combination with *receiving identification information of the plural discovered peripheral devices responsive to the outputting of the communication*. Apart from generic identification of the I/O interface 130, the Office fails to identify any teachings in Sampath which allegedly disclose the specifically-recited limitations.

Appellants respectfully submit that the above-recited limitations are not disclosed by the prior art and the 102 rejection is improper for at least this reason.

At page 9 of the Action, the Office recites generic teachings of a controller 120 as allegedly teaching the claimed processing circuitry. The Office has failed to identify any teachings that the controller 120 of Sampath discloses the claimed *processing circuitry configured to access the identification information* which is the *identification information of the plural discovered peripheral devices which was received by the communications interface* when the limitations of the processing circuitry are properly read in combination with the limitations of the communications interface of claim 54.

Appellants respectfully submit that the above-recited limitations are not disclosed by the prior art.

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Appellants respectfully submit that numerous limitations of the claim are not disclosed by the prior art and Appellants respectfully request reversal of the 102 rejection for the above-recited numerous reasons.

D. Positively-recited limitations of claims 45 and 57 are not disclosed by Sampath and the 102 rejection is improper for at least this reason.

Claim 45 further defines the method performed by the management apparatus of claim 43 and recites *outputting a plurality of instructions for communication through a firewall associated with the common network, and wherein the instructions are configured to cause an entity inside the firewall to discover presences of the peripheral devices of the common network and to communicate the identification information corresponding to the peripheral devices.*

Claim 57 recites that *the outputted communication is configured for communication through a firewall associated with the common network, and wherein the outputted communication comprises a plurality of instructions configured to cause an entity inside the firewall to discover presences of the peripheral devices of the common network and to communicate the identification information using the discovered presences of the peripheral devices.*

At page 6 of the Office Action, the Office relies upon teachings in col. 2, lines 28-34 of Sampath in support of the rejection. Appellants initially note that these teachings are from the "Summary of the Invention" section of Sampath as opposed to the "Detailed Description" section of Sampath whose teachings are relied upon as teaching other limitations of the claims.

Furthermore, the teachings in col. 2, lines 28-34 merely generically disclose that systems and methods of Sampath may be used to account for network security features such as firewalls. This generic reference in the Summary section of Sampath to a firewall fails to teach or suggest *outputting a plurality of instructions for communication through a firewall associated with the common network* (claim 45) or that *the outputted communication is configured for communication through a firewall associated with the common network* (claim 57). Furthermore, Sampath is void of teaching *instructions configured to cause an entity inside the firewall to discover presences of the peripheral devices of the common*

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network and to communicate the identification information corresponding to the peripheral devices as recited in claims 45 and 57.

Appellants respectfully submit that limitations of the claim are not disclosed by the prior art and Appellants respectfully request reversal of the 102 rejection for the above-recited numerous reasons.

E. Positively-recited limitations of claims 47-48 and 61-62 are not disclosed by Sampath and the 102 rejection is improper for at least this reason.

The claims recite *combining the statuses for plural peripheral devices to provide combined status data, and comparing the combined status data with respect to an order threshold*, and initiating responsive to the combined data triggering the order threshold.

The Office relies upon inherency in support of the position that Sampath teaches combining the statuses of the plural peripheral devices. The Office alleges that it is mandatory that a failing device combine its *identifier* with its problem status. However, the combination of an *identifier* with a status fails to teach *combining statuses of plural peripheral devices* as positively-recited in the claims.

Appellants respectfully submit that limitations of the claim are not disclosed by the prior art and the reliance upon inherency is improper. Appellants respectfully request reversal of the 102 rejection for the above-recited numerous reasons.

F. Positively-recited limitations of claims 48 and 62 are not disclosed by Sampath and the 102 rejection is improper for at least this reason.

The claims recite *defining a plurality of different groups of the peripheral devices*, and the combining the statuses comprises *combining the statuses of the peripheral devices of one of the groups*.

The Office has relied upon the teachings of col. 3, lines 6-11 of Sampath as allegedly teaching the above-recited limitations. Appellants note that the Summary of the Invention teachings relied upon by the Office are *void of any reference to "group" or defining a plurality of different groups* as claimed. Appellants have electronically searched Sampath and failed to uncover any teachings of "group" let alone the positively-claimed limitations of *defining different groups of the peripheral devices*.

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Appellants respectfully submit that the above-recited limitations regarding defining groups are not disclosed nor rendered inherent by the prior art and the 102 rejection is improper for at least this reason.

In addition, the teachings of col. 3, lines 6-11 of Sampath are void of teaching or suggesting combining the statuses of plural peripheral devices of one of the groups as positively-claimed.

Referring to page 11 of the Action, the Office relies upon inherency in support of the position that Sampath teaches combining the statuses of the plural peripheral devices. The Office alleges that it is mandatory that a failing device combine its *identifier* with its problem status. However, the combination of an *identifier* with a *single status* fails to teach combining statuses of plural peripheral devices as positively-recited in the claims.

Appellants respectfully submit that limitations of the claim are not disclosed by the prior art and the reliance upon inherency is improper. Appellants respectfully request reversal of the 102 rejection for the above-recited numerous reasons.

G. Positively-recited limitations of claim 63 are not disclosed by Sampath and the 102 rejection is improper for at least this reason.

Claim 63 recites that the peripheral device management method performed by the management apparatus comprises formulating the configuration data to cause the configuration comprising setting the thresholds of the peripheral devices.

The Office at page 12 of the Office Action relies upon the teachings of col. 6, lines 3-26 of Sampath in support of the rejection. These teachings merely state that the circuit 150 of the diagnostic server for one example receives status information from one printer with respect to one threshold and can help avert a particular failure in the printer. This analysis of status information received from a printer for one threshold as taught by Sampath is *void of any teachings regarding setting thresholds of peripheral devices* let alone the specifically claimed formulating the configuration data to cause the configuration of the peripheral devices comprising setting the thresholds of the peripheral devices.

Appellants respectfully submit that limitations of the claim are not disclosed by the prior art. Appellants respectfully request reversal of the 102 rejection for the above-recited numerous reasons.

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H. Positively-recited limitations of claim 64 are not disclosed by Sampath and the 102 rejection is improper for at least this reason.

Claim 64 recites that the communicating of the peripheral device management method performed by the management apparatus of claim 43 comprises *first communicating the configuration data to an entity for review of the configuration data* and *second communicating the configuration data to the peripheral devices to cause the configuration of the peripheral devices after the review by the entity*.

The Office at page 12 of the Office Action relies upon the teachings of col. 6, lines 3-26 of Sampath in support of the rejection. These teachings merely state that the circuit 150 of the diagnostic server for one example receives status information from one printer with respect to one threshold and can help avert a particular failure in the printer. This analysis of status information *received from a printer* for one threshold as taught by Sampath is *void of any teachings regarding communicating configuration data to an entity for review of the configuration data*. The teachings of col. 6 relied upon by the Examiner are also void of teaching or suggesting any configuration of the peripheral devices let alone *second communicating the configuration data to the peripheral devices to cause the configuration of the peripheral devices after the review by the entity*.

Appellants respectfully submit that limitations of the claim are not disclosed by the prior art. Appellants respectfully request reversal of the 102 rejection for the above-recited numerous reasons.

I. Positively-recited limitations of claim 65 are not disclosed by Sampath and the 102 rejection is improper for at least this reason.

Claim 65 recites *the communications interface of the peripheral device consumable management apparatus outputs the communication to initiate discovery of the plurality of peripheral devices of the common network, receives the identification information of the discovered peripheral devices responsive to the outputting of the communication, and receives the status information regarding the status of the consumable for the at least one of the peripheral devices*.

Positively-recited limitations of claim 65 are not disclosed by Sampath and the 102 rejection is improper for at least this reason.

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The Office relies upon the generic teachings of the I/O interface 130 in support of the rejection. Appellants have failed to uncover any teachings in Sampath with respect to interface 130 of the claimed discovery. In addition, Appellant has electronically searched Sampath and failed to uncover any reference to "discovery" therein, let alone *discovery of plural peripheral devices of a common network* as claimed. Furthermore, Appellants have failed to uncover any teachings in Sampath of the positively-recited limitations of the communications interface of the peripheral device consumable management apparatus *receiving identification information of the discovered peripheral devices responsive to the outputting of the communication*.

Appellants respectfully submit that limitations of the claim are not disclosed by the prior art and the reliance upon inherency is improper. Appellants respectfully request reversal of the 102 rejection for the above-recited numerous reasons.

J. Positively-recited limitations of claim 66 are not disclosed by Sampath and the 102 rejection is improper for at least this reason.

Claim 66 recites *the processing circuitry of the peripheral device consumable management apparatus is configured to control the communications interface to output the communication to initiate the discovery of the plurality of peripheral devices of the common network*.

Positively-recited limitations of claim 66 are not disclosed by Sampath and the 102 rejection is improper for at least this reason.

The Office relies upon the teachings of col. 5, lines 51-58 of Sampath in support of the 102 rejection. These teachings refer to routing of received status information and are void of any teaching or suggestion of discovery of peripheral devices or that the processing circuitry is configured to output the communication to initiate the discovery of the peripheral devices as specifically claimed. In addition, Appellant has electronically searched Sampath and failed to uncover any reference to "discovery" therein let alone discovery of plural peripheral devices of the common network as claimed

Appellants respectfully submit that limitations of the claim are not disclosed by the prior art and the reliance upon inherency is improper. Appellants respectfully request reversal of the 102 rejection for the above-recited numerous reasons.

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APR 18 2008**K. Conclusion**

In view of the foregoing, reversal of the rejections of the claims is respectfully requested. For any one of the above-stated reasons, the rejections of the respective claims should be reversed. In combination, the above-stated reasons overwhelmingly support such reversal. Accordingly, Appellants respectfully request that the Board reverse the rejections of the claims.

Respectfully submitted,

Date:

4/18/08

Attorney:



James D. Shaurette
Reg. No. 39,833

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VIII. APPENDIX A – THE CLAIMS INVOLVED IN THIS APPEAL

1 43. [Previously Presented] A peripheral device management method
2 performed by a management apparatus, the method comprising:
3 first receiving identification information for a plurality of peripheral
4 devices of a common network;
5 second receiving threshold information regarding a plurality of thresholds
6 corresponding to operations of respective ones of the peripheral devices;
7 formulating configuration data configured to cause configuration of
8 respective ones of the peripheral devices according to respective ones of the
9 thresholds;
10 communicating the configuration data to the peripheral devices using the
11 identification information;
12 after the communicating, third receiving statuses corresponding to the
13 thresholds from respective ones of the peripheral devices;
14 processing the statuses; and
15 initiating an action with respect to the statuses of the peripheral devices
16 responsive to the processing.

1 44. [Previously Presented] The method of claim 43 wherein the
2 method is performed by the management apparatus comprising a server in
3 communication with the common network, and wherein the receivings, the
4 formulating, the communicating, the processing and the initiating individually
5 comprise acts performed by the server.

1 45. [Previously Presented] The method of claim 43 further comprising
2 outputting a plurality of instructions for communication through a firewall
3 associated with the common network, and wherein the instructions are
4 configured to cause an entity inside the firewall to discover presences of the
5 peripheral devices of the common network and to communicate the
6 identification information corresponding to the peripheral devices responsive to
7 the discovery.

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1 46. [Previously Presented] The method of claim 43 wherein the
2 statuses are indicative of levels of consumables for respective ones of at least
3 some of the peripheral devices, wherein the consumables are consumed during
4 operations of respective ones of the peripheral devices, wherein the processing
5 of the statuses indicates triggering of the thresholds for respective ones of the
6 peripheral devices, and wherein the initiating comprises initiating shipment of the
7 consumables.

1 47. [Previously Presented] The method of claim 46 wherein the
2 processing comprises:
3 combining the statuses to provide combined status data; and
4 comparing the combined status data with respect to an order threshold,
5 and wherein the initiating the shipment of the consumable comprises initiating
6 responsive to the combined data triggering the order threshold.

1 48. [Previously Presented] The method of claim 47 further comprising
2 defining a plurality of different groups of the peripheral devices, and the
3 combining the statuses comprises combining the statuses of the peripheral
4 devices of one of the groups.

1 49. [Previously Presented] The method of claim 43 wherein the
2 statuses are indicative of levels of consumables for respective ones of the
3 peripheral devices, wherein the consumables are consumed during operations of
4 respective ones of the peripheral devices, wherein the processing of the statuses
5 indicates triggering of the thresholds for respective ones of the peripheral
6 devices, and wherein the initiating comprises initiating outputting of information
7 indicative of the levels of the consumables for communication to an entity.

1 50. [Previously Presented] The method of claim 43 wherein the
2 statuses are individually indicative of triggering of a maintenance threshold
3 indicative of a predetermined amount of operations performed by a respective
4 one of the peripheral devices, and wherein the initiating comprises initiating
5 outputting of a maintenance service request to request maintenance of at least

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6 one of the peripheral devices.

1 51. [Previously Presented] The method of claim 43 wherein the
2 initiating comprises initiating communication of a request for authorization with
3 respect to replenishment of a consumable for at least one of the peripheral
4 devices.

1 52. [Previously Presented] The method of claim 43 wherein the
2 initiating comprises initiating communication of a request for authorization with
3 respect to performing maintenance for at least one of the peripheral devices.

1 53. [Previously Presented] A peripheral device consumable
2 management method comprising:
3 first receiving identification information regarding a plurality of peripheral
4 devices individually configured to consume a consumable;
5 defining a plurality of different groups individually comprising different
6 ones of the peripheral devices;
7 receiving statuses from the peripheral devices indicating replenishment of
8 the consumable is desired for respective ones of the peripheral devices;
9 for an individual one of the groups, combining the statuses of the
10 respective peripheral devices of the group providing combined status data;
11 comparing the combined status data with respect to a threshold; and
12 initiating an action with respect to replenishment of the consumable for
13 the peripheral devices of the group responsive to the comparing indicating the
14 combined status data triggering the threshold.

1 54. [Previously Presented] A peripheral device consumable
2 management apparatus comprising:
3 a communications interface configured to output a communication
4 configured to initiate discovery of a plurality of peripheral devices of a common
5 network, to receive identification information of the discovered peripheral
6 devices responsive to the outputting of the communication, and to receive

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7 status information regarding a status of a consumable for at least one of the
8 peripheral devices; and

9 processing circuitry coupled with the communications interface and
10 configured to access the identification information and the status information, to
11 process the status information, and to initiate an action with respect to
12 replenishment of the consumable for the at least one of the peripheral devices
13 responsive to the processing of the status information.

1 55. [Previously Presented] The apparatus of claim 54 wherein the
2 communications interface is configured to receive information defining a plurality
3 of thresholds corresponding to levels at which replenishment of the consumable
4 is desired for respective ones of the peripheral devices, and to control the
5 communications interface to output configuration data configured to configure
6 respective ones of the peripheral devices according to respective ones of the
7 thresholds.

1 56. [Previously Presented] The apparatus of claim 54 wherein the
2 communications interface and the processing circuitry are components of the
3 management apparatus comprising a web server.

1 57. [Previously Presented] The apparatus of claim 54 wherein the
2 outputted communication is configured for communication through a firewall
3 associated with the common network; and wherein the outputted
4 communication comprises a plurality of instructions configured to cause an
5 entity inside the firewall to discover presences of the peripheral devices of the
6 common network and to communicate the identification information using the
7 discovered presences of the peripheral devices.

1 58. [Previously Presented] The apparatus of claim 54 wherein the
2 processing circuitry is configured to initiate the action comprising initiating
3 communication of an order for the consumable.

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1 59. [Previously Presented] The apparatus of claim 58 wherein the
2 processing circuitry is configured to initiate the action responsive to the
3 processing of the status information indicating the status of the consumable for
4 the at least one of the peripheral devices triggering a threshold.

1 60. [Previously Presented] The apparatus of claim 54 wherein the
2 processing circuitry is configured to initiate the action comprising initiating
3 shipment of the consumable.

1 61. [Previously Presented] The apparatus of claim 54 wherein the
2 status information indicates statuses of the consumable for a plurality of the
3 peripheral devices are below respective thresholds for the consumable for
4 respective ones of the peripheral devices, and wherein the processing circuitry is
5 configured to process the status information comprising combining the statuses
6 providing combined status data, and to compare the combined status data to an
7 order threshold, and wherein the processing circuitry is configured to initiate the
8 action responsive to the comparison of the combined status data triggering the
9 order threshold.

1 62. [Previously Presented] The apparatus of claim 61 wherein the
2 processing circuitry is configured to define a plurality of different groups of the
3 peripheral devices, and wherein the processing circuitry is configured to combine
4 the statuses of the peripheral devices of one of the groups to provide the
5 combined status data.

1 63. [Previously Presented] The method of claim 43 wherein the
2 formulating comprises formulating the configuration data to cause the
3 configuration comprising setting the thresholds of the peripheral devices.

1 64. [Previously Presented] The method of claim 43 wherein the
2 communicating comprises first communicating the configuration data to an
3 entity for review of the configuration data and second communicating the
4 configuration data to the peripheral devices to cause the configuration of the

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5 peripheral devices after the review by the entity.

1 65. [Previously Presented] The apparatus of claim 54 wherein the
2 communications interface outputs the communication to initiate discovery of the
3 plurality of peripheral devices of the common network, receives the identification
4 information of the discovered peripheral devices responsive to the outputting of
5 the communication, and receives the status information regarding the status of
6 the consumable for the at least one of the peripheral devices.

1 66. [Previously Presented] The apparatus of claim 54 wherein the
2 processing circuitry is configured to control the communications interface to
3 output the communication to initiate the discovery of the plurality of peripheral
4 devices of the common network.

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IX. APPENDIX B – EVIDENCE APPENDIX

Appellants submit no evidence with this appellate brief.

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X. RELATED PROCEEDINGS APPENDIX

Appellants are not aware of any related proceedings.

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